

Application No. 09/994,543  
Amendment dated May 10, 2004  
Reply to Office Action of March 12, 2004

### **REMARKS/ARGUMENTS**

Claims 1-27 and 30-34 remain in this application. Claims 28, 29 have been canceled and new claims 31-34 have been added. Support and bases for new claims 31-34 can be found on page 17, lines 6-10 and starting on page 17, lines 30-31 and ending on page 18 lines 1-6.

The specification was objected to by the Examiner due to certain informalities. In particular, on page 17, reference to FIG. 9 was made, when FIG 19 was intended. Applicants have amended the specification to correct this typographical error.

Claim 4 was objected to because the claim limitations included "an angel". Claim 4 has been amended to correct the spelling of the word "angel" to "angle".

Claims 7-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to distinctly claim the subject matter by reciting the series of words "any elongated spike". Claims 7-30 have been amended to correct the series of words to recite "an elongated spike".

Applicants submit that no new matter has been added by way of this amendment and response.

The Examiner rejected claims 1-6, 16-27 and 30-34 under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,554,246 to Niedospial in view of US 5,451,374 to Molina. The Examiner further rejected claims 1-6, 16-27 and 30-33 under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,554,246 to Niedospial in view of US 5,451,374 to Molina, further in view to US 4,645,073 to Homan.

We thank the Examiner for reminding us that a timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) can be used to overcome a rejection based on a non-statutory double patenting ground provided the conflicting patent is shown to be commonly owned with the present application.

Applicants herewith submit a timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) showing that the conflicting patent is commonly owned with the

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present application. A copy of commonly owned U.S. Patent 6,544,246 to Niedospial is enclosed for your reference. Accordingly, the filing of this terminal disclaimer is believed to overcome the double patenting objections raised by the Examiner.

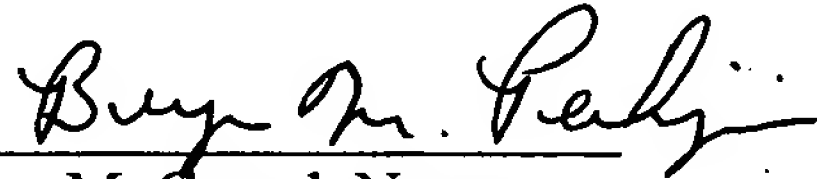
Applicants respectfully submit that in light of the amendments and the filing of the attached terminal disclaimer, all pending claims are patentable and request that a timely Notice of Allowance be issued in this case.

A fee of \$110.00 is believed to be due in connection with the filing of the attached terminal disclaimer and a fee of \$72.00 is believed to be due in connection with the filing of the (4) additional dependant claims. The Commissioner is hereby authorized to charge the \$110.00 and \$72.00 fees and any other fee(s) that may be due in connection with the filing of these papers to Deposit Account No. 502168.

Dated: May 10, 2004

Respectfully submitted,

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